

# Legal Assistance Resource Center

## ❖ of Connecticut, Inc. ❖

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### S.B. 1093 -- Child support after termination of parental rights

Judiciary Committee public hearing -- March 29, 201

Testimony of Raphael L. Podolsky

<b>Recommended Committee action: NO ACTION ON THE BILL</b>
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This bill would allow a court, including the probate court, to order a parent whose parental rights have been terminated because of the parent's abuse or neglect of the child, to continue to support the child until the child is adopted. There is a certain attraction in imposing a continuing support obligation on a parent who has abused his or her child -- an obligation which could be for a few months only or could continue for nearly 18 years. Any surface appeal, however, is outweighed by the likely counterproductive impact.

- \* It is incompatible with the concept of termination of parental rights. If the other parent wants continuing child support, then the remedy is a support order combined with a restriction or even prohibition of visitation. A parent whose rights have been terminated is legally no longer the parent of the child.
- \* It keeps the abusive parent linked to the child, when the termination of parental rights is intended to break that link. Parental rights are not supposed to be terminated unless termination is in the child's best interest. An obligation to pay for the child, if enforced, keeps the parent's mind on the child. When child support is used as a weapon in this way, it is likely to breed little but resentment.
- \* It puts the child at psychological, and possibly even physical, risk. The child needs to bond with his or her foster family or other custodian. There are circumstances when it may be in the child's best interest to maintain an on-going relationship with the birth parent. In abuse and neglect cases, however, that is ordinarily not the case. If the birth parent has violent tendencies, an insistence on paying child support could generate feelings resulting in physical harm to the child.
- \* It appears to be entirely punitive. Since the parent whose rights have been terminated has no right to visit or to see the child, it is very much like imposing a weekly or monthly fine, possibly until the child turns 18. However, it is not a fine that is likely to be paid. Parents whose parental rights are terminated are often very poor with few resources. It is instead a kind of sword over the person's head that penalizes productivity or results in incarceration for failure to pay.
- \* It thus interferes with the rehabilitation of the birth parent without providing any significant benefit to the child. While the state's focus is properly on the child, one

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hopes that the birth parent, through treatment or emotional growth over time, can overcome the behaviors that led to termination of parental rights in the first place. The liability for unknown duration for a child that he or she no longer has, which is likely to be enforced through a wage execution, prevents the birth parent from accumulating any resources and will tend to drive the birth parent out of the labor market, reinforcing whatever undesirable traits led to the neglect or abuse. By undercutting the rehabilitation of the birth parent, the state invites repeated terminations as the parent has more children.